

**REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claim 18 has been canceled. Therefore, claims 1-17, 19-23 and 33-36 remain pending. Claim 1 is independent.

**§ 103 REJECTION – UENO, BREDE**

Claims 1-7, 9-23 and 33-36 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Ueno et al. (US Publication 2002/0024535, hereinafter “Ueno”) and Brede et al. (US Patent 6,603,822). *See Final Office Action, page 2.*

Claim 18 is canceled since it is identical to claim 17. Thus, the rejection of claim 18 is moot. With regard to the remaining claims, Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, the combination of Ueno and Brede fail to teach or suggest every claimed element. For example, independent claim 1 recites, in part “generating a graphical image of the channel map graphically illustrating at least one band and at least one channel of the at least one band and representing a first node and a second node of the plurality of nodes in the network from the retrieved channel data, the graphical image showing a relationship of a band and channel in the first node to a band and channel in the second node.”

Contrary to the Examiner’s allegation, Ueno cannot be relied upon to teach or suggest at least this feature. In the Office Action, the Examiner alleges that paragraphs [0011], [0015] and [0189] disclose the above-recited feature. However, closer observation of the paragraphs clearly demonstrates that the Examiner’s reliance is misguided.

For example, paragraphs [0011] and [0015] of Ueno merely summarize components of different embodiments of a network management equipment for managing a network system. Paragraph [0189] describes the visual display of Figure 3. Ueno merely indicates that stations of the network (i.e. nodes) and transmission path icons indicative of transmission paths are graphically displayed. Ueno goes onto indicate that presence/absence of failures of the nodes and the severity of the failure may be displayed in Figure 3. *See Ueno,*

*paragraph [0191]*. In other words, Figure 3, at best, merely shows state of nodes of the network.

There is simply nothing to indicate that the feature of the graphical image showing a relationship of a band and channel in the first node to a band and channel in the second node exists in Ueno. It is also clear that Ueno cannot be relied upon to teach or suggest the feature of the graphical image of the channel map graphically illustrating a band and a channel of the band as recited in claim 1.

Brede has not been, and indeed cannot be, relied upon to correct for at least the above noted deficiencies of Ueno. Therefore, for at least the reasons stated above, independent claim 1 is distinguishable over the combination of Ueno and Brede.

Claims 2-7, 9-17, 19-23 and 33-36 depend from independent claim 1 directly or indirectly. Therefore, for at least due to the dependency thereon, these dependent claims are also distinguishable over the combination of Ueno and Brede.

Applicants respectfully request that the rejection of claims 1-7, 9-23 and 33-36 based on Ueno and Brede be withdrawn.

§ 103 REJECTION – UENO, BREDE, LANGFAHL

Claim 8 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Ueno, Brede, and Langfahl Jr. (USP 6,031,528). *See Final Office Action, page 7.* Applicants respectfully traverse.

It is noted that claim 8 depends from independent claim 1 and it has been shown above that claim 1 is distinguishable over Ueno and Brede. Langfahl has not been, and indeed cannot be, relied upon to correct for at least the above noted deficiencies of Ueno and Brede. Therefore, independent claim 1 is distinguishable over the combination of Ueno, Brede and Langfahl. For at least due to the dependency thereon, claim 8 is also distinguishable over the combination of Ueno, Brede and Langfahl.

Applicants respectfully request that the rejection of claim 8 based on Ueno, Brede and Langfahl be withdrawn.


**CONCLUSION**

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH &, BIRCH, LLP

By:   
Michael R. Cammarata  
Reg. No. 39,491

MRC/HNS  
4450-0312P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000